

Ever since the Supreme Court announced its decision in the case of *Hamdan v. Rumsfeld*, I have made clear that my three primary goals for legislation authorizing military tribunals were: (1) Adjudicating the cases of detained terrorists in proceedings that are consistent with our values of justice, (2) protecting classified information, and (3) ensuring that our military and intelligence officers have clear standards for what is, and is not, permissible during detention and interrogation operations.

After discussing these issues with National Security Adviser Hadley and officials at the Department of Justice, I am comfortable in saying that this legislation accomplishes each of those goals.

First, the legislation authorizes the President to establish military commissions for the trial of unlawful enemy combatants. Enemy combatants tried under this legal system will have the benefit of a comprehensive process that assures them of legal representation, access to witnesses and evidence, the ability to present a defense, and the ability to appeal any judgment to the Court of Military Commission Review, the DC Circuit Court of Appeals, and, ultimately, to the Supreme Court.

I dare say that some who may be tried by these military commissions will receive more due process and legal protection than they were ever willing to grant to others.

Second, while ensuring a full and fair process, the legislation also recognizes the important role that classified information is likely to play in these trials. The legislation expressly provides the government with a privilege to protect classified information. At the same time, the bill provides a number of ways for the trial court to ensure that the defendant is sufficiently apprised of the evidence to be used against him. I think this bill strikes the right balance between providing a full and fair process, and protecting classified information.

Third, and most important to me as chairman of the Intelligence Committee, the bill provides military and intelligence officers conducting detention and interrogation operations with clear standards.

Why is this so important? Because, there is a consensus in the intelligence community that terrorist interrogations are the single best source of actionable intelligence against the plots of a determined enemy.

Interrogation is a tool used by our brave men and women in the military and intelligence community to combat a continuing terrorist threat from those who are bent on attacking and killing Americans.

The majority of useable and actionable intelligence against al-Qaida comes from terrorist interrogations and debriefings. This tool is vital to keeping Americans safe—it is irreplaceable and it must be preserved.

Of particular note is the CIA's detention and interrogation program, which

has been a supremely valuable source of information. This program has produced intelligence that has helped disrupt terrorist networks and prevent terrorist attacks. Furthermore, it has been carefully monitored to ensure that it complies with all our laws.

But, the Supreme Court's decision in *Hamdan* applied the Geneva Convention's Common Article 3 to unlawful enemy combatants. This threatened to shut down the CIA's detention and interrogation operations.

The standard articulated in Common Article 3 is extremely vague. This standard leaves military and intelligence officers in the dark as to what is, and what is not, permitted in detaining and interrogating unlawful enemy combatants. Moreover, because under current law any violation of Common Article 3 is a criminal violation, our interrogators potentially could be subjected to criminal prosecution for otherwise lawful actions.

Consequently, Congress must act to ensure that our military personnel and intelligence officers are not forced to operate, or be subjected to prosecution, under such a vague standard. It is our responsibility to provide clear guidance to military personnel and intelligence officers as to what is, and is not, permitted in interrogations. The standard must be clear enough so that our intelligence officers, who are making judgment calls in the field, can continue to operate.

The legislation currently before the Senate provides that clarity. It expressly provides for what acts constitute grave breaches of Common Article 3 and what acts would be subject to prosecution. It further allows the President to promulgate regulations for lesser violations of treaty obligations.

As a result, in passing this legislation, we will give the dedicated and honorable Americans on the front lines in the war on terror the clarity they need to fulfill their mission.

To win this war and keep Americans safe, our troops in the field and our law enforcement personnel here at home need timely and actionable intelligence. We get that intelligence in many forms such as satellite imagery, intercepted communications, financial tracking and human intelligence, including interrogations. In the past months, many of these intelligence collection tools have been damaged by deliberate leaks of classified information.

We can ill afford to lose any of these intelligence collection tools if we are to succeed. I am grateful that this bill will allow our Nation to continue its highly valuable interrogation programs.

I support the bill, and I urge my colleagues to do the same.

Mr. WARNER. Mr. President, we have had a very good debate. We have voted on one amendment. We have time remaining on the Specter amendment. We should be able to conclude that debate in the morning and pro-

ceed, I presume, to a prompt vote on the Specter amendment, and then proceed with the other two amendments.

#### MORNING BUSINESS

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate now proceed to a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ULTRASOUND IMAGING

Mr. FRIST. Mr. President, I rise to speak about the use of ultrasound imaging by emergency physicians. October 2006 marks the 10-year anniversary of the establishment of the American College of Emergency Physicians, ACEP, Section of Emergency Ultrasound, which actively encourages research and training of emergency physicians in the use of emergency ultrasound. October 15, 2006, celebrates Emergency Ultrasound Day.

As a trauma surgeon, I spent many days and nights serving the emergency department. Emergency ultrasound, defined as the use of ultrasound imaging at the patient's bedside, is a critical component of quality emergency medical care. Ultrasound imaging enhances the physician's ability to evaluate, diagnose, and treat patients in the emergency department. It provides immediate information and can answer specific questions about the patient's physical condition, such as determining whether a presenting patient has thoracic and abdominal traumas, ectopic pregnancy, pericardial effusion, and many other conditions.

High-quality emergency care is dependent on rapid diagnostic tools, enhanced safety of emergency procedures, and reduced treatment time. Imaging technology has greatly improved quality of care and made invasive medical procedures safer.

Emergency physicians are trained in the use of imaging equipment during their residency as well as continuing medical education courses. Hospital privileges further validate this training.

Emergency ultrasound has moved outside the hospital due to its compact nature. In fact, emergency ultrasound technology is helpful onsite during military and disaster medical care. It has served in the care of America's brave military troops during both the gulf and Iraq wars. Also, emergency ultrasound was used to care for patients last year after Hurricane Katrina and will be helpful in responding to other disasters and mass casualty events.

Mr. President, I congratulate the work of the ACEP Section of Emergency Ultrasound. It has increased awareness of the contribution and value of emergency ultrasound by emergency physicians in the medical

care of emergency patients, survivors of disasters, and our military forces serving at home and abroad. Research in this field should continue to be encouraged to allow the adaptation of critical technologies to continually improve the quality of emergency care.

#### BURMA

Mr. McCONNELL. Mr. President, I wish to mark an important milestone: the 18th anniversary of the founding of the Burmese National League for Democracy, NLD. As the world knows well, the NLD is the legitimate leadership of the country of Burma, as the party was elected overwhelmingly by the Burmese people in 1990.

Sadly, the 18th anniversary for the NLD is not a time for rejoicing. The NLD remains firmly under the boot of the Burmese ruling junta, the State Peace and Development Council, SPDC. Many of its leaders are imprisoned, including Nobel Laureate and democracy advocate Daw Aung San Suu Kyi, and NLD vice chairman, U Tin Oo. Thirteen elected NLD members of Parliament and over 400 party members currently serve in prison. Other NLD members have endured torture and have been killed as the SPDC continues to wage a campaign of harassment, intimidation—and worse—against party members and supporters.

In a testament to the courage and determination of its leadership, and despite these great hardships, the NLD remains unbowed. It continues to pursue nonviolent political change in Burma. I am proud to say that the Senate stands squarely alongside the NLD in its efforts. I am hopeful that the United Nations, U.N., Security Council will as well. Due to the determined efforts of many countries, including the United States, Burma is slated to be on the Council's agenda for the first time ever. It will then be time for member states to stand up and be counted in support of a nonpunitive resolution on Burma.

It should be noted that U.N. Under Secretary General Ibrahim Gambari's trip to Rangoon earlier this year was a complete failure. Mr. Gambari should not make a second trip to Burma unless and until the U.N. Security Council has considered and passed a resolution that, among other things, details the threats the SPDC poses to the people of Burma and the entire region. Such action would be a clear message to the SPDC that when it comes to Burma, the world is not satisfied with the status quo.

Similarly, I would encourage all relevant bureaus at the State Department and the National Security Council—particularly those relating to African affairs—to remain engaged and focused on this issue. The task of promoting democracy and reconciliation in Burma should not be left only to the East Asian and Pacific Affairs and the Democracy, Human Rights, and Labor bureaus at the State Department. With

three African nations currently sitting on the U.N. Security Council, our African affairs specialists need to more actively engage in building support for such a resolution. Ghana has already demonstrated its solidarity with the cause of freedom. The Republic of Congo and Tanzania need to follow suit.

Finally, on this, the 18th anniversary of the founding of NLD, I call upon the Burmese military regime to release Suu Kyi and all political prisoners. Only then can discussions on a meaningful reconciliation process—one that includes the full and unfettered participation of the NLD and ethnic minorities—proceed.

I ask unanimous consent that a Boston Globe Editorial on Burma be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Boston Globe, Sept. 26, 2006]

#### AN AGENDA FOR BURMA

Having placed the case of Burma's military junta on the formal agenda of the Security Council earlier this month, the United Nations now has an opportunity to show that it can be something more than an impatient debating club. If in the waning days of his tenure UN Secretary General Kofi Annan exercises the right combination of firmness and finesse with Burma's military dictators, he can help protect human rights, democracy, and regional security in Asia.

Unlike the coercive measures contemplated to cope with Iran's pursuit of nuclear weapons or genocide in Darfur, the UN is not being asked to dispatch armed peacekeepers to Burma to impose risky economic sanctions on the narco-dictatorship there. Rather, moral suasion and diplomatic pressure are the means for dealing with the junta's violations of human rights and its threats to regional peace and security—threats manifest in the export of heroin, methamphetamine, HIV/AIDS, and the hundreds of thousands of refugees who have fled the military's brutal assaults on ethnic minorities.

Annan must be careful, however, in the way he exerts the UN's soft power. Last May, he sent UN undersecretary-general for political affairs, Ibrahim Gambari, to Burma, where he met with Nobel Peace Prize winner Aung San Suu Kyi as well as junta leaders. At the time, Gambari said he thought the junta bosses were "ready to turn a new page." But Gambari and Annan looked glibly soon after, when the junta extended Suu Kyi's house arrest for another year and intensified its campaign of ethnic cleansing, rape, and murder in the region inhabited by 2 million people of the Karen ethnic group.

Annan shouldn't allow Gambari to undertake a return trip to Burma without a Security Council resolution that spells out clear and reasonable demands for the true turning of a new page. That should include the release of all 1,100 political prisoners in Burma, including Suu Kyi and fellow leaders of the National League for Democracy, the party that won 82 percent of Parliamentary seats in a 1990 election that the junta has refused to honor ever since.

The NLD, which commemorates the anniversary of its 1988 founding on Sept. 27, must be invited along with other parties and representatives of Burma's ethnic nationalities to participate in a genuine political dialogue. The resolution Gambari takes to Burma should specify that such a dialogue

means working out terms for an agreement on a return to democracy. That resolution should also require the junta to end its attacks on ethnic minorities and to permit international aid organizations to have unimpeded access to all those in need within Burma. Nearly all the people of Burma need the world's help.

#### RECOGNIZING SERGEANT LEIGH ANN HESTER

Mr. McCONNELL. Mr. President, I ask the entire Senate to join me today in congratulating one of Kentucky's amazing young heroes. SGT Leigh Ann Hester of Bowling Green, KY, is traveling to the Nation's Capital to receive the USO's Service Member of the Year Award at the organization's 2006 USO World Gala this September 28.

Sergeant Hester is being honored for her valorous service in combat in Iraq, which earned her the Silver Star medal. The Silver Star is the Army's third-highest award for gallantry, and Sergeant Hester is the first female soldier to win the medal for valor in combat since World War II.

A retail store manager in Bowling Green, Sergeant Hester joined the U.S. Army in 2001 and was assigned to the Kentucky National Guard's 617th Military Police Company, based in Richmond, KY. In March 2005, she was on the southeastern outskirts of Baghdad, shadowing a convoy of tractor-trailers carrying supplies for American forces.

The convoy was ambushed by about 50 heavily armed terrorists. They attacked from a trench alongside the road and rained down machine-gun fire and rocket-propelled grenades on the convoy for a sustained 3 minutes. Several truck drivers were killed, more were wounded. Thinking they had the upper hand, the terrorists moved towards the convoy, preparing to take hostages.

Suddenly three armored humvees roared up to the carnage. Sergeant Hester, as team leader of the second humvee, maneuvered her team into a position to draw the enemy's fire and begin fighting back with grenades and M203 rounds.

Sergeant Hester and her squad leader got out of their humvees and rushed the trench about 20 meters away from them to clear out the enemy. They worked their way through the insurgents, throwing grenades and firing M4s. When she ran low on ammunition, she ran back to a humvee to reload, exposing herself to enemy fire from multiple directions. Because this squad had been so well disciplined, Sergeant Hester was able to reach blindly into any of the humvees and know exactly where to grab more ammunition.

Finally, the soldiers of the 617th had put down enough fire that the enemy fell silent. It turns out that Sergeant Hester and her team, just 10 in all, had not only put themselves in the middle of a firefight against greater numbers and all survived, they had scored the highest death toll of insurgents in Iraq in many months. They killed 27, captured several wounded, seized a sizable